

**MINUTES OF THE REGULAR MEETING  
OF THE LADY LAKE TOWN COMMISSION  
LADY LAKE, FLORIDA**

**August 1, 2016**

The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida with Mayor Pro Tem Jim Richards presiding. The meeting convened at 6:00 p.m.

- A. CALL TO ORDER:** Mayor Pro Tem Jim Richards
  
- B. PROCEDURE:** *Citizens are encouraged to participate in the Town of Lady Lake meetings. Speakers will be limited to three (3) minutes. Additional time may be granted by the Mayor. Citizen groups are asked to name a spokesperson and the Mayor, at his/her discretion, may allow longer than three minutes. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.*
  
- C. INVOCATION:** Reverend Gary Cantrell, New Covenant United Methodist Church
  
- D. PLEDGE OF ALLEGIANCE**
  
- E. ROLL CALL:** Tony Holden, Commissioner Ward 2  
Dan Vincent, Commissioner Ward 3  
Paul Hannan, Commissioner Ward 4  
Jim Richards, Mayor Pro Tem/Commissioner Ward 5
  
- ABSENT:** Ruth Kussard, Mayor/Commissioner Ward 1

**STAFF MEMBERS PRESENT:** Kris Kollgaard, Town Manager; Derek Schroth, Town Attorney; Thad Carroll, Growth Management Director; Mike Burske, Parks and Recreation Director; C. T. Eagle, Public Works Director; Captain Robert Tempesta, Police Department; Marsha Brinson, Director of Library Services; Pam Winegardner, Finance Director; and Nancy Slaton, Deputy Town Clerk

**F. PUBLIC COMMENTS:** Mayor Pro Tem Richards asked if there were any comments at this time. There were no comments.

**G. PROCLAMATION:**

**1. Proclaiming the Week of August 1-7, 2016 as National Clown Week (Mayor Pro Tem Richards/Doris Turlo-Clown Alley #179)**

Mayor Pro Tem Richards read the proclamation proclaiming the week of August 1<sup>st</sup> through the 7<sup>th</sup> as National Clown Week and presented it to Doris Turlo and other members of Clown Alley #179.

**H. CONSENT:**

**2. Minutes – July 18, 2016 – Commission Workshop Meeting**

– July 18, 2016 – Special Commission Meeting

Mayor Pro Tem Richards asked if there were any questions or comments on the Consent items, and hearing none, asked for a motion.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved Consent Item #H-2 by a vote of 4 to 0.*

I. **OLD BUSINESS:** No old business.

J. **NEW BUSINESS:**

3. **Discuss the Proposed Dates, Times and Places for Setting the Tentative Millage Rate and Budget Hearing, and the Second Public Hearing for Adopting the Final Millage Rate and Budget (Pam Winegardner)**

Finance Director Pam Winegardner gave the background summary for this agenda item (on file in the Clerk's office). She stated that a proposed millage rate for fiscal year 2016-2017 must be submitted to the property appraiser by noon on August 4, 2016, along with the date, time and place of the tentative millage and budget hearing. The proposed millage rate **can be decreased**, but **cannot be increased** at the tentative budget hearing or at the final public hearing.

The current year's rolled back rate is 3.3962 mills. The Town's current budget is based on the millage rate of 3.5510 mills, which is a 4.56% increase above the current year's rolled back rate. This rate, as well as any rate up to 3.7154 mills, would require three affirmative votes of the Town Commission. Any rate above 3.7154 mills to 4.0869 mills would require a two-thirds vote of the Town Commission, or four affirmative votes. These votes are based on the total membership of the Town Commission rather than the membership present at the meeting. Any rate above 4.0869 mills would require a unanimous vote of all five Town Commissioners.

The Town's two public hearings cannot conflict with Lake County or School Board public hearings. The tentative dates for the County are September 13<sup>th</sup> and September 27<sup>th</sup>, and the School Board dates are July 25<sup>th</sup> and September 12<sup>th</sup>. The public hearings cannot start before 5:00 p.m.

Commissioner Hannan stated that he thought about Commissioner Richards' comment at an earlier meeting where he stated that as hard as it is to raise taxes, governments never see a reason to decrease taxes, and suggested going back to the rolled back rate as the Town no longer has the Communication Services Tax problem and with the reserve nearing \$1,000,000.00. Commissioner Hannan stated he agrees with Commissioner Richards' statement and, as a representative of his constituents in Ward 4, is in total favor of adopting the rolled back rate of 3.3962.

Town Manager Kris Kollgaard stated that she had spoken with Commissioner Hannan about this this morning, and she and the finance director also spoke with the auditor today. The auditor informed staff that there is more in reserves than originally thought, and she stated that staff would be comfortable with going back to the rolled back rate this year. Ms. Kollgaard stated motions have been prepared for either the 3.5510 millage rate or the 3.3962 millage rate, and include the suggested dates for the hearings.

Ms. Winegardner passed out the prepared motions to the Commissioners for ease in making the motion.

Mayor Pro Tem Richards asked if anyone from the audience would like to comment. There were no comments.

*Upon a motion by Commissioner Hannan and a second by Commissioner Vincent, the Commission approved the tentative millage rate of 3.3962; the date of Wednesday, September 7, 2016 at 6:00 p.m. for the tentative millage and budget hearing; and the date of Wednesday, September 21, 2016 at 6:00 p.m. for adopting the final millage rate and budget, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**4. Consideration of Approval to Advertise Bid No. 2016-0003 – Construction for Phase II of the Villages Elementary School Sidewalks Project - FPN 433200-1-68-01 - Funded Through the Safe Routes to School Grant Program (Mike Burske)**

Parks and Recreation Director Mike Burske gave the background summary for this agenda item (on file in the Clerk’s office). He stated that he is asking for permission to work with the Town Manager to put the construction of Phase II of the Safe Routes to School Sidewalks project out to bid. The improvements under this contract consist of the construction of a 5-ft. wide sidewalk along the north and south sides of Oak St. from Clay Ave. to CR 25 (approximately 1,020 feet), and along the west side of CR 25 from Oak St. to Fennell Blvd. (approximately 3,350 feet). If the project comes in on budget, then it is a 100% no-match grant. He asked the Commissioners to keep in mind if the amount goes over, the Town would have to pay.

*Upon a motion by Commissioner Vincent and a second by Commissioner Hannan, the Commission approved the consideration to advertise Bid No. 2016-0003 by a vote of 4 to 0.*

**5. Renewal of the Interlocal Agreement between Lake County and the Town of Lady Lake Relating to the Provision of Library Services for the Period of October 1, 2016 through September 30, 2019 (Marsha Brinson)**

Library Services Director Marsha Brinson gave the background summary for this agenda item (on file in the Clerk’s office). She stated that per Paul Alford’s letter of June 20, 2015, the changes made to the new Interlocal agreement include: A) changes to the current centralized cataloging practice, B) changes in provision of I.T. support through the Lake County Information Technology Department, C) clarification of response timeframes for I.T. support requests, and D) discontinued reciprocal library borrowing with Osceola County.

Commissioner Richards confirmed that other libraries are in agreement with the changes in the agreement.

Ms. Brinson replied that they are, and the changes in I.T. will become a better system with a better response time.

*Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the renewal of the Interlocal Agreement between Lake County and the Town of Lady Lake Relating to the Provision of Library Services by a vote of 4 to 0.*

**6. Consideration of Animal Control Sally Port Enclosure Project (Chris McKinstry/C.T. Eagle)**

Captain Robert Tempesta gave the background summary for this agenda item (on file in the Clerk's office). He stated that Animal Control has an existing fenced-in sally port located at the Public Works Complex that is used for temporary housing of animals. This area, although covered, is still exposed to the elements of heat, rain, cold, etc. Animals in captivity, such as animals in the Town's ACO facility, are entirely dependent upon humans to provide the conditions to ensure safety and meet their basic needs. Additionally, when some dogs are confined within the open sally port, barking can be disruptive. Captain Tempesta stated that the Animal Control Officer regularly finds new homes or shelters for the abandoned or surrendered animals she encounters. An enclosed area would also assist with a cleaner and drier environment where people inquiring about a pet they have seen on the website could meet and interact with their prospective fur friend. He stated that by approving this project, the aforementioned issues are resolved and the ACO function becomes more efficient.

Captain Tempesta stated that a summary of the project and estimated costs were included in the packet. Public Works staff will coordinate the project, if approved, and will also be utilized for project tasks when possible to keep labor costs down for this project. The Public Works Director recommends allocating \$20,000.00 to perform this project, which includes some contingency funds for any unanticipated costs.

Commissioner Hannan stated that he is in favor of this project, but since it is not a budgeted item, he would prefer it be pushed back to next year.

Ms. Kollgaard stated that this program just got started this year, and the need was realized over the summer with the heat and the noise. She stated staff would prefer to complete this project out of this year's budget as this program has been very successful and the Animal Control Officer has adopted out a lot of animals. She stated the animals will be more comfortable, the area will be cleaner, and the neighbors will not be bothered by the noise if this project is completed.

Commissioner Richards asked if the funds will come out of contingency.

Ms. Kollgaard replied that the funds are currently available in the Police Department's regular pay budget as some have retired and there are savings to be utilized.

*Upon a motion by Commissioner Holden and a second by Commissioner Vincent, the Commission approved the Animal Control Sally Port Enclosure Project by a vote of 4 to 0.*

**7. Green Key Subdivision – Final Plat Phase II - A Partial Replat of Green Key Village Subdivision and Chetwynd Land Company, to Provide a Subdivision Recreation Center for the Green Key Village Single Family Residential Subdivision - Proposing an 1,800 Sq. Ft. Pickle Ball Court, a 7,200 Sq. Ft. Tennis Court, a 2,350 Sq. Ft. Half Basketball Court, an 8,906 Sq. Ft. Area for a Subdivision Community Pool with Concrete Deck and Two Pavilions Consisting of 480 Sq. Ft. Each - Addressed as 1257 Fiesta Key Circle (Thad Carroll)**

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant and owner, Greg Thomas of Mainsail Solutions, Inc., has submitted plans for Final Plat Approval of a subdivision which includes a recreation center for the Green Key Village single family residence subdivision, an 1,800 sq. ft. pickle ball court, a 7,200 sq. ft. tennis court, a 2,350 sq. ft. half basketball court, an 8,906 sq. ft. area

for a subdivision community pool with concrete deck and two pavilions consisting of 480 sq. ft. each. The Final Plat encompasses a partial replat for six lots and a Parks and Recreation Tract (Tract A), and was reviewed to determine if it is in compliance with the Land Development Regulations (LDRs) and Florida Statutes Chapter 177. The following items were included in the packet:

1. Final Plat Review completed by Town Attorney dated 05/31/2016.
2. Final Plat Review completed by Town Surveyor dated 05/05/2016.
3. Declaration of Covenants, Restrictions and Easement for Green Key Village.
4. Subdivision Title Report dated 05/05/2016.
5. Final Subdivision Plat Plans dated 06/09/2016.
6. Survey

Arial views, a zoning map, and plat plans were shown, as were photos of the subdivision and some of its amenities and parking.

Mr. Carroll summarized the background as follows:

- The Green Key Village-Phase I Subdivision Final Plat originally received approval by Town Commission on April 15, 2013. The owner/developer continues to build single family homes for Phase I.
- The Preliminary Plat for Green Key Village Phase II was approved by the Town Commission on July 6, 2015.
- On February 1, 2016, the applicant completed the Improvement Plans/Construction process for Phase II and is ready to proceed with the Final Plat Application.

It was noted that all site improvements, plant material installed, and building exterior elevation finish for the subdivision recreation center were inspected on Monday, February 1, 2016, and were determined to be satisfactory and in compliance with the approved construction plans.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application by May, 31, 2016 and forwarded it to the Planning and Zoning Board for their recommendation. At the Planning and Zoning Board meeting held on Monday, July 11, 2016, the board recommended approval for the final plat application by a 4-0 vote.

Commissioner Holden and Commissioner Vincent both commented on what a nice project this has become since its troubled beginning, and the other Commissioners agreed.

*Upon a motion by Commissioner Hannan and a second by Commissioner Holden, the Commission approved the Green Key Subdivision – Final Plat Phase II by a vote of 4 to 0.*

#### **K. TOWN ATTORNEY'S REPORT:**

#### **8. Ordinance No. 2016-21 – First Reading – Annexation – The Villages of Lake-Sumter, Inc. – Annexation of Property Being 0.31 +/- Acres of Land, referenced by Alternate Keys 1482437 & 2582774; Two Lots Located Within Orange Blossom Gardens Unit 1, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk's office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications to annex properties consisting of two lots located on Aloha Way within the Orange Blossom Gardens Subdivision Unit 1. The annexation application involves 0.31 +/- acres of property from unincorporated Lake County into the Town of Lady Lake.

The two lots include the following addresses:

- 1034 Aloha Way
- 1043 Aloha Way

Mr. Carroll stated that staff recommends approval of this ordinance. Maps and aerial views of the two properties were shown, as were photos of the postings.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of each property has been included with the submitted application. All lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District's Fire Department.

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex property into the Town which are non-contiguous to the existing municipal boundary. The proposed properties under this application exist as non-contiguous lots.

The annexation application was received on Tuesday, June 14, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (33) within 150 feet of the properties proposed by annexation request were mailed on June 22, 2016, and the properties were posted on June 27, 2016. No objections or letters of support have been received to date.

Mr. Carroll stated that the Technical Review Committee (TRC) members individually reviewed application for Ordinance No. 2016-21, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the July 11, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-21 by a vote of 4-0. The Town Commission is scheduled to consider Ordinance No. 2016-21 for second/final reading on Monday, August 15, 2016 at 6:00 p.m.

Mr. Carroll stated that the applicant is present if there are any questions.

Mayor Pro Tem Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Hannan, the Commission approved the first reading of Ordinance No. 2016-21, by the following roll call vote:*

<b>HOLDEN</b>	<b>YES</b>
<b>VINCENT</b>	<b>YES</b>

*HANNAN*  
*RICHARDS*

*YES*  
*YES*

**9. Ordinance No. 2016-22 – First Reading – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc. – from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Property Being 0.31 +/- Acres of Land, referenced by Alternate Keys 1482437 & 2582774; Two Lots Located Within Orange Blossom Gardens Unit 1, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications for two lots located on Aloha Way within the Orange Blossom Gardens Subdivision Unit 1, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. The application involves 0.31 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. The proposed properties are as follows:

- 1034 Aloha Way
- 1043 Aloha Way

Mr. Carroll stated that staff recommends approval of this ordinance. A map and future land use map were shown.

The Small Scale Future Land Use Map Amendment application was received on Tuesday, June 14, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Concurrency Determination Statement - The Villages has removed existing manufactured homes on two lots in a historic section of The Villages known as Orange Blossom Gardens to construct a similar size conventional built home on each lot. There will be no increase in utility services, traffic, population, or recreation use.

Mr. Carroll stated there is no impact on Town services, as follows:

Potable Water - No impact, lots are served by the Village Center Community Development District Central Water System.

Sewer - No impact, lots are served by the Village Center Community Development District Central Sewer System.

Schools - Not factored for project – no foreseen impact of students as the project is located within an active adult retirement community.

Transportation - No impact, the existing home will be replaced with a new home. There will be no change in average daily trip generation.

Parks & Recreation - The small scale future land use amendment will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, the Villages provides its residents with all Park and Recreation Amenities.

Stormwater - Project will be required to adhere to SJRWMD guidelines and Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The applications have been reviewed and determined to be complete. The applicant has submitted all appropriate material in compliance with the Land Development Regulations (LDRs) and the application is ready for transmittal to the Town Commission. Additionally, the applications were reviewed and determined to be in compliance with the directives of the adopted Comprehensive Plan in accordance with the sought designation. A Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment Application, which the applicant submitted to explain expected impacts on Town Services.

The subject properties involve approximately 0.31 ± acres lie in Section 06, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

**Future Land Use**

Subject Properties	Lake County Medium Urban Density
<b>Future Land Use of Adjacent Properties</b>	
West	Lake County Medium Urban Density/
East	Lake County – Medium Urban Density
North	Lake County Medium Urban Density/ Lady Lake Manufactured Home High Density
South	Lake County Medium Urban Density

Comments:

- 1) Annexation and Rezoning Applications have been submitted concurrently with this Small Scale Future Land Use Amendment Application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Mr. Carroll reported the application was received on June 14, 2016. Notices to inform the surrounding property owners (33) within 150’ of the property of the proposed amendment were mailed on June 22, 2016, and the properties were posted on June 27, 2016. No objections or letters of support have been received to date.

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-22, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the July 11, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-22 by a vote of 4-0. The Local Planning Agency considered Ordinance No. 2016-22 earlier this evening, and voted 4-0 for approval. The Town Commission is scheduled to consider Ordinance No. 2016-22 for second/final reading on Monday, August 15, 2016 at 6:00 p.m.

Mr. Carroll stated that the applicant is present if there are any questions.

Mayor Pro Tem Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-22, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**10. Ordinance No. 2016-23 – First Reading – Rezoning – The Villages of Lake-Sumter, Inc. – from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8), for Property Being 0.31 +/- Acres of Land, referenced by Alternate Keys 1482437 & 2582774; Two Lots Located Within Orange Blossom Gardens Unit 1, Within Lake County, Florida (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed applications to rezone two lots on Aloha Way within the Orange Blossom Gardens Subdivision Unit 1. The application involves rezoning 0.31 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). The MX-8 designation is consistent with the other lots in The Villages which are presently in the Town of Lady Lake’s jurisdiction. The proposed properties are as follows:

- 1034 Aloha Way
- 1043 Aloha Way

Mr. Carroll stated that staff recommends approval. A map showing the properties and a zoning map were shown.

The Rezoning application was received on Tuesday, June 14, 2016, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Mr. Carroll reported that notices to inform the surrounding property owners (33) within 150’ of the property of the proposed rezoning were mailed on June 22, 2016, and the properties were posted on June 27, 2016. No objections or letters of support have been received.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

**Zoning**

Subject Property	Lake County Residential Medium (RM)
<b>Zoning of Adjacent Properties</b>	
West	Lake County Residential Medium (RM)
East	Lake County Residential Medium (RM)
North	Lake County Residential Medium (RM) Lady Lake Mixed Residential Medium Density (MX-8)
South	Lake County Residential Medium (RM)

Mr. Carroll reported that the Technical Review Committee (TRC) members individually reviewed the application for Ordinance No. 2016-23, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. At the July 11, 2016 meeting, the Planning and Zoning Board recommended approval of Ordinance No. 2016-23 by a vote of 4-0. The Town Commission is scheduled to consider Ordinance No. 2016-23 for second/final reading on Monday, August 15, 2016 at 6:00 p.m.

Mr. Carroll stated that the applicant is present if there are any questions.

Mayor Pro Tem Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Holden and seconded by Commissioner Vincent, the Commission approved the first reading of Ordinance No. 2016-23, by the following roll call vote:*

<i>HOLDEN</i>	<i>YES</i>
<i>VINCENT</i>	<i>YES</i>
<i>HANNAN</i>	<i>YES</i>
<i>RICHARDS</i>	<i>YES</i>

**11. Ordinance No. 2016-24 – First Reading - An Ordinance of the Town of Lady Lake, Lake County, Florida; Amending The Town of Lady Lake Land Development Regulations (Ordinance No. 2014-04); Chapter 1, Article III, Section 1-83; Entitled “Code Enforcement Special Magistrate”; Providing for A Procedure for Stipulation Agreements (Thad Carroll)**

Town Attorney Derek Schroth read the ordinance by title only.

Growth Management Director Thad Carroll gave the background summary for this agenda item (on file in the Clerk’s office). He stated that over the course of the past few months, Growth Management staff has received many inquiries regarding the purchase of listed properties for sale within the Town of Lady Lake. However, in many cases, these properties have accrued costly code enforcement liens; many of which still continue to accrue due to their status of non-compliance of a violation.

Mr. Carroll stated that at present, the Town has a procedure under the Land Development Regulations, Section 1-83, h), 5), whereby an individual or corporation may purchase a property that is not in compliance with the Town’s Code of Ordinances and/or Land Development Regulations; then bring that property into compliance; and subsequently ask for a lien reduction by the Town Commission based upon their efforts to bring the property into a satisfactory state. Although the process does afford the purchaser the potential for relief of large lien accruals, to many speculative purchasers, the process does not provide any assurance of such relief and the amount by which the liens will be reduced remains unknown. As a result, having no guarantee of

what the purchaser will ultimately be responsible to pay following the lien reduction has left many properties within the Town in a state of vacancy, and in some cases, blight.

Mr. Carroll stated that staff is proposing a process, under Ordinance No. 2016-24, whereby a potential purchaser can come before the Town Commission *before* the purchase of property is made to orchestrate a stipulation agreement. This agreement shall define the timeline and manner in which the property will be brought into compliance. In exchange, the property purchaser will be provided a set figure for which they will be responsible to pay provided that they satisfy all conditions of the agreement. In the event that the terms of the agreement are not adhered to, the liens are reinstated to their original amounts and the agreement shall be deemed void.

It is the intent that such agreements will provide potential purchasers the assurance they need to acquire properties that are in need of improvement and repair, thereby reducing the number of vacant and derelict parcels within the Town. Essentially, the purpose of the ordinance is to improve and preserve the land values within the neighborhoods of our community.

Therefore, staff recommends approval of Ordinance No. 2016-24, establishing the process whereby these stipulation agreements can be created and used as an additional tool for code enforcement compliance and neighborhood stabilization. The Town Commission is scheduled to review Ordinance No. 2016-24 for second/final reading on Monday, August 15, 2016.

Commissioner Hannan asked about the timeframes for the stipulation agreement.

Mr. Carroll replied that the stipulation agreement will refer to a specific timeframe to achieve compliance. Those terms would come before the Commission for consideration.

Commissioner Holden commented that he is in favor of this as there have been many lien reduction requests in the past that the Commission has reduced to a reasonable level.

Commissioner Vincent stated he is also in favor of this agreement.

Commissioner Richards asked that the standard dollar amounts and percentages of value previously agreed upon could be incorporated into this ordinance as part of the stipulation agreement, to use as a guideline.

Mr. Carroll stated there are guidelines, although they will be based on the severity of the case on a case by case basis.

Ms. Kollgaard stated that, if approved by the Town Attorney, staff will prepare the stipulation agreement using the policies previously set by the Commission as a guideline to set the amount the purchaser will be responsible to pay.

After further discussion, Mayor Pro Tem Richards asked if anyone else had any questions or comments, and hearing none, asked for a motion.

*Upon a motion by Commissioner Hannan and seconded by Commissioner Holden, the Commission approved the first reading of Ordinance No. 2016-24 with amendments as discussed, by the following roll call vote:*

**HOLDEN**  
**VINCENT**

**YES**  
**YES**

*HANNAN*  
*RICHARDS*

*YES*  
*YES*

**L. TOWN MANAGER’S REPORT:**

Town Manager Kris Kollgaard asked if the Commissioners had viewed the web sites on the list she handed out at the previous meeting, and if they had any comments.

Commissioner Hannan stated he liked the Minnesota web site best.

Ms. Kollgaard stated she would appreciate feedback from the other Commissioners when they had a chance to look at the examples.

Ms. Kollgaard confirmed with the Commissioners that they were in agreement with the PTO survey being handed out to employees.

**M. MAYOR/COMMISSIONER’S REPORT:**

Commissioner Hannan suggested that the Town look into instituting a procedure requiring the Town’s permitting department to request the architectural review (ARC) approval document for any building permits being pulled for properties within The Villages portion of Lady Lake. He stated Sumter County currently does this, and it may save Lady Lake residents from having to remove additions, landscaping, driveways, etc., that may be non-compliant with deed restrictions in The Villages in the future.

Commissioner Vincent asked if this will affect his community (Water Oak), as they have their own deed restrictions within Lady Lake.

Mr. Schroth replied that the Town can currently issue a building permit that may be in conflict with the HOA, and the HOA could then file an injunction suit to remove the addition if there is no approval by them. He stated Lake County currently obtains HOA/mobile home approval as part of a checklist of their permitting process to avoid litigation of this type.

Commissioner Holden commented that the HOA he belongs to could not afford to file a suit in this case.

Town Manager Kris Kollgaard stated her concern for the legality if the Town denied a permit even though someone met all the Town’s standards and Florida building codes, except for the ARC approval.

Mr. Schroth suggested that staff draft a checklist for permitting that shows ARC or HOA approval may be a requirement; it would be on a checklist, but not for permitting approval, so the applicant would be on notice that they could be sued if they proceeded without the required approval.

After discussion, the Commissioners agreed this was a good idea, and Commissioner Richards thanked Commissioner Hannan for bringing up the topic.

Commissioner Hannan stated it is his belief that all vehicles, mostly trucks, should have some sort of registration that is visible on the outside of the vehicles. He stated crime has escalated, in his opinion, in Lady Lake and The Villages, as it is easy to get in and out. He gave examples of thefts

in the area, and asked if the Commissioners and staff could think of something that could be enforced.

Commission Vincent asked if the Town can force someone to have a marked vehicle while working in the town; he stated they could be from another state.

Town Attorney Derek Schroth stated that the issue would be that it may restrict interstate commerce and right to travel. He stated if every jurisdiction required it, there could be 40 or more registrations on one vehicle. Mr. Schroth stated this is a constitutional issue and he would advise against trying to regulate this.

Commissioner Richards suggested looking for ordinances or regulations from other areas to use as an example.

Commissioner Hannan mentioned the tree trimmers decal.

Ms. Kollgaard stated this is voluntary and just shows that the tree trimmer is registered with the Town and has a set of the Town's rules, and it is a reassurance for residents.

Commissioner Richards suggested that Commissioner Hannan inquire at the next Florida League of Cities.

Ms. Kollgaard stated that staff has asked other municipalities about this in the past and they do not have anything.

Commissioner Richards thanked Commissioner Hannan for fighting for the rolled back millage rate.

**N. PUBLIC COMMENTS:**

Mayor Pro Tem/Commissioner Richards asked if anyone in the audience had any comments. There were no comments.

**O. ADJOURN:** The meeting was adjourned at 6:59 p.m.

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Kristen Kollgaard, Town Clerk

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Ruth Kussard, Mayor

Minutes transcribed by Nancy Slaton, Deputy Town Clerk

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<sup>i</sup> All items listed under consent are considered routine by the Town Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Town Commissioner so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.